

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>INTERSTATE AGREEMENT ON</b>
	)	<b>DETAINERS ORDER</b>
vs.	)	
	)	
Donald Dean Schlittenhardt,	)	
	)	
Defendant.	)	Case No. 1:08-cr-069

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On April 7, 2009, the Defendant appeared for his initial appearance and arraignment. Appearing on behalf of the United States was AUSA David Hagler. Appearing for the Defendant was his court-appointed counsel, attorney Tom Glass.

Prior to his initial appearance, the Defendant was incarcerated by the State of North Dakota at the North Dakota State Penitentiary (NDSP), in Bismarck, North Dakota. After the indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act (“IADA”), the Defendant’s appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the hearing, the Defendant was advised of his rights under the IADA to continued federal custody until the charges set forth in the indictment are adjudicate. The Defendant knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and stipulated to his continued housing by the State of North Dakota (the “sending state” under the IADA) at the North Dakota State Penitentiary pending trial of the charges on the

indictment by the United States (the “receiving state” under the IADA). The United States concurred in this stipulation.

Based on the foregoing stipulation and Defendant’s wavier of the anti-shuttling provisions of the IADA, **IT IS HEREBY ORDERED** that the Defendant be housed in the “sending state” under the IADA, at the NDSP pending trial of this matter or until further order of the court. Further, pursuant to the Defendant’s waiver and stipulation, the return of the Defendant to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the indictment.

Dated this 7th day of April, 2009.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge